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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,688	08/20/2003	Charles Valente	102399-200	8281

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WIGGIN AND DANA LLP  
ATTENTION: PATENT DOCKETING  
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EXAMINER

HARPER, TRAMAR YONG

ART UNIT PAPER NUMBER

3714

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/645,688

Applicant(s)

VALENTE, CHARLES

Examiner

Tramar Harper

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/20/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scarne (Scarne's Encyclopedia of Card Games) in view of Snow (US 2003/0042679).**

**Claims 1 & 15:** Scarne discloses a card game that comprises of:

pairing a plurality of players and providing a plurality of playing cards to each player, each card having a numerical value (Pg. 87: ***Requirements for Play***);

the game ends when a player establishes a numerical target value (Pg. 89: ***End of Game***);

dealing (by the dealer/supervisor) a plurality of cards to each player in a face down manner, placing one card in a face up, and the remaining cards in the face down manner. The face up card represents the unmatched card value that a player can elect to knock or acknowledge the completion of a hand (Pg. 87: ***The Deal***);

selecting the first player (Pg. 87: ***Selecting Dealer and Starting Position***);

permitting the first player the option of picking the face up card;

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if the first player does not pick the face up card, the second player is given the option of picking the face up card. If the second player does not pick up the face up card, the first player must pick the top card from the cards not dealt;

discarding, by the player that drew the top card, a card from the player's plurality of playing cards (Pg. 89: ***The Play***);

a player can knock or signal the completion of a hand when he holds enough melds to bring the unmatched cards down to the total count of his unmatched cards. The players display their cards and a determination of the unmatched card values of the knocker and the opponent is calculated. If the knocker has unmatched cards less than the opponent then the knocker gets credit for the unmatched cards possessed by the player. As such, wins the hand (Pg. 88: ***The Play, When a Player May Knock***); and the game continues hands until an opponent successfully reaches the target numerical value ending the game and winning the game (Pg. 89, ***End of Game, Sample Scoring for a Standard Gin Rummy Game***).

Scarne excludes wagers comprises of a wager on a play of hand and a wager on the completion of the card game. It is conventionally well known in the art to wager on different events in a game of chance such as the completion of hand or game. Snow discloses a means of player a wagering game that comprises of a three-segment card game, in which a player wagers on the outcome of each segment and places a forth wager based on the outcome of the complete three-segment game (Abstract, ¶ 44, 58, 64). Snow also discloses that the supervisor of the complete game takes a percentage of the wagers for casino compensation, which is already conventional well known in the

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art (§ 79, Table B above § 79 (**Percent hold**)). Snow discloses that casino table card games can comprise of a variety of games such as Three Card™ poker, Casino War™, and the like (Pg. 1, §5). Snow also discloses that one of the card games implementing the embodiment of the said invention comprises of the game of Pai Gow Poker (which is a modified version of Gin Rummy) (Pg. 4, §46). As such, it would be have been to one of ordinary skill at the time of the invention to modify the game of Scarne into a casino game with multiple wagers based on the hand/round of play and the completion of the game, as taught by Snow for purposes of providing additional betting opportunities without increasing play time and increasing casino revenue per a given amount of time (Snow - § 28-29).

**Claim 2:** Scarne discloses that the target numerical value is 150 points (Pg. 89: **End of Game**).

**Claims 3-4:** Snow discloses that the wagers are separate wagers that comprise of a monetary sum of money or the equivalent (chips) (§ 58, 85).

**Claim 5:** Scarne discloses that the plurality of playing cards dealt to each player comprises of ten cards (Pg. 87: **The Deal**).

**Claim 6:** Scarne discloses that a players starting position is determined by the player drawing the highest card (Pg. 87: **Selecting Dealer and Starting Position**).

**Claim 7:** Scarne discloses that a player cannot discard a card just drawn until his next turn of play (Pg. 96: **Discards**).

**Claim 8:** Scarne disclose that a non-signaling player may layoff any cards onto sets of the signaling players cards (Pg. 88: **When a Player May Knock**)

**Claim 9:** Scarne discloses that a non-signaling player cannot layoff cards if the signaling player has no unmatched cards e.g. has all melds (Pg. 88: *To Go Gin*).

**Claim 10:** Scarne discloses that a signaling player going gin (having no unmatched cards) is awarded 25 points to his/her score. It would have been an obvious matter of design choice to one of ordinary skill at the time of the invention to modify the award to 30 points at the discretion of the supervisor or casino.

**Claims 11-12:** Scarne discloses that in the event that there are only 2 face down cards left in a deck and the current player cannot go gin or knock then the game ends and neither player is awarded any credits (Pgs. 88-9: *No-Game*).

**Claims 13-14, 16:** Snow discloses that the card games can either be either played in a casino environment (game table), on a gaming machine (e.g. electronic gaming machine), on a personal computer (memory, processor, display unit), or Internet casino.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

**Jones (US 5,374,067) teaches a rummy-type game played on both a live table and electronic video format.**

**Jones (US 5,380,012) teaches a rummy-type game where the winner receives the accumulated wagers or pot.**

**Kadlic (US 5,601,488 & US 5,853,325) teach electronic rummy type games.**

**Aramapakul (US 5,816,576) teaches a rummy-type card game.**

**De Keller (US 6,279,910) teaches a card game with two wagers and the second wager being an award to the player with the highest target game value.**

**Samberg (US 6,572,111) teaches a gin rummy-type game.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

9/7/06  
JOHN M. HOTALING, II  
PRIMARY EXAMINER